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Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Third and fourth periodic reports of States parties*

Zambia

* The present report is being issued, without formal editing.
For the initial report submitted by the Government of the Republic of Zambia, see CEDAW/C/ZAM/1-2, combined initial and second reports, considered by the Committee at its thirteenth session.

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LIST OF ABBREVIATIONS

AIDS	-	Acquired Immune Deficiency Syndrome
BESSIP	-	Basic Education Sector Investment Programme
CEDAW	-	Convention on the Elimination of All Forms of Discrimination Against Women
DAC	-	District Agricultural Committees
DTEVT	-	Department of Technical Education and Vocational Training
FAWEZA	-	Forum for African Women Educationists
GDP	-	Gross Domestic Product
GIDD	-	Gender in Development Division
GRZ	-	Government of the Republic of Zambia
HIV	-	Human Immuno Virus
ILO	-	International Labour Organisation
LAZ	-	Law Association of Zambia
MOE	-	Ministry of Education
MMD	-	Movement for Multi-party Democracy
MMR	-	Maternal Mortality Rate
NFNC	-	National Food and Nutrition Commission
NGO	-	Non Governmental Organisation
PAGE	-	Programme for Advancement of Girl Child Education
PAM	-	Programme Against Malnutrition
PWAS	-	Public Welfare Assistance Scheme
SADC	-	Southern African Development Community
STD	-	Sexually Transmitted Disease
TBA	-	Traditional Birth Attendant
UN	-	United Nations
UNICEF	-	United Nations Children's Fund
UNIP	-	United National Independence Party
WASHE	-	Water, Sanitation and Health Education
WLSA	-	Women and Law in Southern Africa
WHO	-	World Health Organisation
WIDD	-	Women in Development Division
WILDAF	-	Women in Law and Development in Africa
YWCA	-	Young Women Christian Association
ZAW	-	Zambia Alliance of Women
ZCTU	-	Zambia Congress of Trade Union
ZDHS	-	Zambia Demographic and Health Survey
ZOCS	-	Zambia Open Community Schools
ZNPF	-	Zambia National Provident Fund

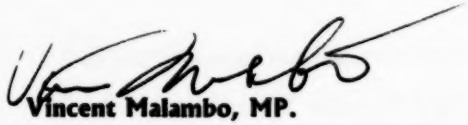
FOREWORD

This is Zambia's combined third and fourth country report on the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) whose compilation has been a result of a wide consultative process with all stakeholders both from Government and the Non Governmental Organisations.

The report has provided Government an opportunity to identify causes and manifestations of discriminatory tendencies against women in the country and will be used as a tool in our continued efforts to redress these social injustices in line with the CEDAW.

I am pleased to note that we have initiated a combination of measures aimed at ensuring equitable participation of women and men in socio-economic development. The challenge facing Zambia in this noble endeavour is not in the letter of the law alone. Many changes are required in the areas of customary laws, cultural practices and attitudes. Equally important, is awareness creation on women's rights as well as equitable representation of women at all decision-making levels. Government and civil society interventions catalysed by the fast evolving democratic culture, will continue to accelerate this process of transition.

It is my sincere hope that the report is a step forward in the elimination of all forms of discrimination against women in Zambia and I am proud to identify myself with the process.



Vincent Malambo, MP.

MINISTER OF LEGAL AFFAIRS

PART 1

Introduction

This report is submitted in pursuance of Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women. The Convention became effective for the Republic of Zambia on 12 June 1985. The report covers the period 1964 to December 1997, and although it is the combined Third and Fourth Report, it has been prepared as if it were an initial report, as it will form the basis for subsequent reports. In addition, the report is a response to the CEDAW Committee's observation that the previous reports were inadequate. The report follows as closely as possible the following documents:-

- General Guidelines as laid down by Committee Document CEDAW/C/7 1983/1988;
- Checklist for Report Writing on Substantive Provisions of Convention Module 2 Line 4;
- Reporting guidelines as laid down by the International Women's Rights Action Watch; and
- Manual on Human Rights Reporting, 1991.

This report consists of two parts. Part 1 provides general information regarding Zambia's demographic situation , the general state of the economy, the political and legal structures, culture and religion, and the governmental and non-governmental institutions involved with women's issues. Part 2 provides specific information relating to articles 1 to 16 of the Convention.

It should be pointed out that, even before the Convention, measures were in place for the protection of women's legal rights as the Government has always incorporated a Bill of Rights in the three post-Independence Constitutions from

1964 to date. However, the Government has provided an international standard upon which the rights of women may be enhanced through the ratification of CEDAW. It is the wish of Government to continuously improve upon the status of women because it realises that the development of Zambia depends upon the maximisation of all available resources, and women are an invaluable resource.

General Background

The Republic of Zambia is a landlocked sub-Saharan African country that shares common borders with eight countries: Tanzania in the north-east, Malawi to the east, Mozambique to the south-east, Zimbabwe to the south, Botswana and Namibia to the south-west, Angola to the west, and the Democratic Republic of Congo (Zaire) to the north. It has a tropical climate with three distinct seasons, the cool and dry season from April to mid-August; the hot and dry season between mid-August and early November; and the hot and wet season for the remaining months of the year. Generally the northern part of the country receives the highest rainfall.

With a total area of 753,620 square kilometres (290,586 square miles), Zambia is the sixteenth largest state in Africa. Zambia's farthest points on a north-south or west-east axis measure nearly two thousand kilometres. Such vastness of territory, coupled with a low population density, poses serious problems for national development efforts.

Demographic Profile

Zambia's total population was estimated to be 9.6 million in 1996, based on projections from the 1990 census. The population growth rate has ranged from 2.7 to 3.2 for over 30 years, and has resulted in a steady population increase from 3.5 million in 1963 to 9 million by 1990. According to 1996 Zambian

Demographic and Health Survey (ZDHS), the majority of women are mothers or pregnant by 19 years and the fertility rate, at 6.1 births, is one of the highest in Africa.

Females make up 51 percent of the population, yielding a sex ratio of 100 women for every 96 men. The country has a broad based population pyramid. In 1990, 46 percent of the population was 15 years or younger. This has contributed to a high dependency ratio of 92 persons (1990).

Mortality rates showed a trend of decline following independence, but are now rising. Life expectancy was 54 years in 1980 but as of 1993, had fallen to approximately 47 years. The Central Board of Health estimates that 20 percent of the adult population are HIV positive, contributing to this decline. It is higher in urban areas. In mid 1993, 36 percent of antenatal clinic attendees at the University Teaching Hospital in Lusaka were HIV positive. It is estimated that by the year 2005 at least 1.1 million Zambians will have died from AIDS-related diseases. Apart from AIDS-related illnesses, tuberculosis (TB) and malaria are the most common causes of deaths in hospitals.

The country is sparsely and unevenly settled with a total density of 10.3 persons per square kilometre (1990), that ranges from 45 persons per square kilometre in the more urban Copperbelt and Lusaka provinces down to 3 in Northwestern. Zambia is one of the most urbanised country in the sub-Saharan region, with an urban population of 43%. This proportion has been steadily increasing over the past 30 years. In 1990, 71 percent of the urban population lived in the Copperbelt and Lusaka provinces. The trend of internal migration dates back to the colonial era, when men were recruited to work in the new colony's copper mines while women were prevented from such movement. The policy was and has continued to be one of the major contributing factors to women's disadvantaged position.

The Economy

With its rich reserves of copper, Zambia was considered to be one of the wealthiest and most promising countries in the sub-Saharan region at independence in 1964. However, this situation has changed drastically due to the long-term decline in world copper prices coupled with economic policies that hindered growth. Per capita gross domestic product (GDP) in 1993 was US$ 290, one of the lowest is the world. Annual growth in GDP fell from 2.4 percent in the decade after independence to an average of 0.7 percent over the next 15 years.

The country has always had a lopsided economy, relying heavily on copper which remains the country's main source of foreign exchange. The commodity accounted for 95 percent of export earnings and contributed 45 percent of Government of the Republic of Zambia (GRZ) revenue during the decade that followed independence. Since the collapse of the copper market, foreign exchange shortages have been and continue to be a major constraint in the development of the economy. The development of alternative export industries has remained below expectation. Moreover, during the 1970s and 1980s, the Government responded to the copper price problem by borrowing heavily, which resulted in a huge debt burden and considerable debt servicing.

The long term effect has been inadequate provision of essential commodities as well as services such as health and education. In 1990 and 1991 inflation reached unprecedented levels of over 100 per cent and the virtual collapse of the currency. An associated collapse in real income and employment led to a demand for elections, which resulted in the current government taking over and the serious implementation of economic policies. In an effort to revive the economy, the government of the Movement for Multi-Party Democracy (MMD) embarked on a Structural Adjustment Programme (SAP), with assistance from the World Bank and the International Monetary Fund. This has included liberalisation of

trade, interests rates, prices and foreign exchange; adoption of contractionary fiscal and monetary measures, removal of subsidies, adoption of the civil service and parastatal reforms. SAP, although not intended to do so, affects women in many ways, as will be discussed in the second part of this report.

Another factor adversely affecting the economy has been natural disasters. Severe droughts in 1992 and 1994 followed by years of excessive rain and flooding have exacerbated both the economy and the food security situation.

It is evident that a major economic factor affecting the population, and especially women, is poverty. Over 70 percent the Zambian population are poor (World Bank 1994). Female-headed households are poorest. Government's concern on this issue is reflected in the 1998 Budget which states, "Government adopted, in 1997, a quantitative target for reducing poverty over the medium terms, namely to reduce the proportion of 70 percent of the population living in poverty to 50 percent by the year 2004."

The Political and Legal Systems

Zambia was a British colony until 24 October 1964 when she gained political independence. Since then, the country has undergone three major phases of governance. The First Republic, post independence era of multi-party politics lasted up to 1971. This was followed by "one party participatory democracy," under the leadership of the United National Independence Party (UNIP). In 1991, with the country experiencing an economic crisis, international pressure coupled with demand from within, caused elections to be held, which were won by the Movement for Multiparty Democracy (MMD), the party still in power to date.

Administratively, the country is divided into nine provinces and 72 districts. The Government comprises a central level and local government, the latter is

administered by district councils. There are two systems of elections, the presidential and general elections held every five years and the local government elections that are supposed to be held every three years but tend to take place less often. Parliament consists of 150 elected members and not more than 8 nominated members.

Political parties in Zambia have to register themselves under the Societies Act. The membership of these political parties is dominated by men. Moreover, while women have participated in politics since the country's colonial period, joining in the struggle to gain independence, few women participate at senior levels.

Zambia has a plural legal system. General or statutory law, which is based on English Common Law, is applied side by side with customary law and the customary practices of the people. The Constitution is the supreme law of the land. Article 1 of the Constitution declares the country as a unitary, indivisible, multi-party and democratic sovereign state. The same article states that all power resides in the people, who shall exercise their sovereignty through the democratic institutions of the state.

The judiciary of the Republic of Zambia comprises the Supreme Court, the High Court, the Industrial Relations Court, the magistrates courts, the local courts (which administer customary law) and such lower courts as may be prescribed by an Act of Parliament. The judiciary is autonomous and is administered in accordance with the provisions of an Act of Parliament.

The recourse available to women who have experienced discrimination is through the courts which administer statutory law: the Supreme Court, the High Court and the Industrial Relations Court. Customary law administers traditional law which in practice is often discriminatory against women. While there are various mechanisms for legal aid for women, these are often not known to women nor are

they aware of their rights. These issues are discussed in more detail in the appropriate Articles of this report.

Culture and Religion

Zambian society is characterized by ethnic diversity with over 73 tribal groups. However, few cultural differences exist. The differences that do exist are in terms of kinship systems or forms of social organisation, for example, matrilineal or patrilineal systems of lineage. The majority of ethnic groups are matrilineal. The Ngoni and Tumbuka of Eastern Province, and the Mambwe and Namwanga of Northern Province are patrilineal and the Lozi of Western Province have a lineage system that combines aspects of both systems. English is Zambia's official language. However, the various ethnic groups speak a number of different languages of which the seven major ones are Bemba, Kaonde, Lozi, Lunda, Luvale, Nyanja and Tonga.

Despite this ethnic diversity, the status and position of women has remained low in all Zambian cultures. Even in matrilineal societies, it is the uncle or brother who is mandated to make decisions. Girls are socialised to become wives, mothers and care-givers and to be submissive while boys are groomed to take up the roles of leadership and providers in society. This type of socialisation process has the effect of creating an image of women as inferior subservient beings and results in women who lack self confidence and take up second place in society. This inferior status tends to rob women of many guarantees to their rights and freedoms.

The Constitution states that Zambia is a Christian nation. Christianity is indeed widespread, and many of the Christian sects of the world are present in the country. In addition, the Hindu, Islamic and other religions exist.

The Women's Movement

Since before independence, women's groups have fought to organise themselves politically so as to effect change in their lives. The pre-independence Women's Brigade became the UNIP National Women's League at independence. It mobilised women at the grassroots level, and was an effective agent to politicise women until 1985 when a women's unit was set up at the former National Commission for Development Planning (NCDP). The unit was upgraded to the Women in Development Department (WIDD) in 1990. It was further upgraded and made part of the Cabinet Office, under the Office of the President, in 1996 as well as being renamed the Gender in Development Division (GIDD). GIDD is one of the four divisions of Cabinet Office. It is headed by a Permanent Secretary, and has its own vote in the national budget. To further enhance the integration of gender into the development process, Gender Focal Points at fairly senior level have been established in all government ministries, provincial administration and other organs of government. The Gender Focal Point persons in ministries have been trained in gender analysis so as to equip them with skills to enable them carry out their duties effectively.

GIDD ensures that the national development process is gender responsive. This is to be achieved through the integration of gender in all policies, programmes, plans and projects. It also provides technical advice and guidance to government on gender and development issues while advocating for the improvement of the status of women to enhance their participation in the socio-economic, cultural and political development of the country. The Division educates and informs both females and males on the critical areas of concern that impact negatively on women. It has the mandate to network with other wings of government, non-governmental organisations and donors to ensure gender equity and equality in the development process. Other functions include dissemination of information on gender, facilitating the mobilisation of resources for gender programmes, and

co-ordinating, monitoring and evaluating all gender activities and programmes.

There is a fairly strong women's movement in the country. In 1985 the Non Governmental Organisation Coordinating Committee (NGOCC) which is the main link between NGOs and Government was formed. Several NGOs, both members and non-members of NGOCC, have been pursuing programmes that advance women's development. Through these various programmes NGOs seek to incorporate the CEDAW principles. NGOs have also formed a committee on CEDAW which monitors activities and reports to the government committee on CEDAW.

PART 2

ARTICLE 1: Definition of Discrimination Against Women

For the purpose of the Convention the term "discrimination against women" means any distinctive exclusion or restriction made on the basis of sex which has the effect or purpose of imparting or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status; on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civic arenas.

The Zambian Constitution, under Article 11 provides that every person in Zambia is entitled and shall continue to be entitled to fundamental rights and freedoms without distinction as to race, place of origin, political opinions, colour, creed, sex or marital status. In spite of there being three constitutional reviews since 1964, the terms "sex" and "marital status" were not included until 1991. The Constitution further provides under Article (23) that:-

- Subject to clause (4) (5) and (7), no law shall make any provision that is discriminatory either of itself or in its effect; and
- Subject to clause (6), (7) and (8), no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.

According to Clause (3) of Article (23), the word "discriminatory" means applying different treatment to different processes attributable, wholly or mainly to their respective discrimination by race, tribe, sex, place of origin, marital status, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.

However, women's full enjoyment of fundamental rights and freedoms is undermined particularly through customary laws and practices as well as attitudes that consign women to stereotyped roles and deny them equality with men.

ARTICLE 2: Obligations to Eliminate Discrimination Against Women

States parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:-

(a) ***to embody the principle of the equality of man and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realisation of this principle.***

(b) ***to adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women.***

(c) ***to establish legal protection of the rights of women on the equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination.***

(d) ***to refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions act in conformity with this obligation.***

(e) ***to take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise.***

(f) ***to take all appropriate measures, including legislation, to modify or to abolish existing laws, regulations, customs and practices which constitute discrimination against women.***

(g) ***to repeal all national penal provisions which constitute discrimination against women.***

The Zambian Constitution recognises a dual legal system whereby local courts administer customary or traditional law, a carry over from the colonial days. These courts uphold customs, usually on matters of inheritance, marriage or compensation for property, that discriminate against women by considering them to be subordinate to or property of men or their families. As outlined under Article 2 above, the Zambian Constitution embodies the principle of equality of

the sexes, although not as a specific clause. It also provides that, unless the context otherwise requires, words and expressions importing the masculine gender include females (Article 139 (13)).

Customary laws and practices, which derive their force from traditional cultures moulded over centuries and manifesting behaviour that looks down on the woman are still by and large discriminatory against women. Efforts to change this state of affairs through gender mainstreaming in all national development processes are on-going. These involve law reform and the formulation and implementation of gender responsive policies, programmes and projects.

Certain discriminatory laws still exist in the books. However, the Ministry of Legal Affairs is currently reviewing existing legislation in a bid to amend laws that discriminate against women. The co-existence of customary law with statutory law as it applies to marriage and inheritance rights, was legally addressed through the Intestate Succession Act No 6 of 1989, which gives spouses rights of inheritance and supersedes customary law.

To assist women in negotiating the current legal provisions, the Women's Rights Committee of the Law Association of Zambia (LAZ) has set up a Women's Legal Clinic which provides legal advise and counselling to women. It also takes up cases on behalf of women who cannot afford legal fees. The YWCA has set up a women's drop-in centre which sometimes acts as a referral centre to the Women's Legal Clinic. The Legal Resources Foundation conducts research into women's legal issues but, because of restricted resources, has limited capacity for further advocacy.

Furthermore, it is recognised that the changes required to uplift the status of women do not lie in the letter of the law alone. Hence, Government, through GIDD, has developed the Draft National Gender Policy. The Policy, once

approved, will among other things, strengthen the existing Gender Focal Points in line ministries who are better placed to address legal-related and women's and gender related issues within Ministries and other Government institutions.

ARTICLE 3: Development and Advancement of Women

States parties shall take in all fields, in particular in the political, social, economic and cultural field, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with women.

Women in Zambia constitute over 53 percent of the electorate, yet they represent only 12 percent of elected officials. Several factors contribute to this situation, including political, social and economic structures that are not gender responsive; traditional patriarchal values that subordinate women; lack of resources; and lack of experience and exposure to political tactics. The absence of women in politics translates into reduced participation of women at decision making levels. This has been a subject of on-going debate in the women's movement, whose demand is that there should be a quota system to facilitate more participation by women. There is, however, hope that women's participation in politics will improve as Zambia has recently signed the Southern African Development Community (SADC) Declaration on Gender and Development which commits governments to ensure that there is 30 percent participation by women in politics. The SADC Declaration comes at a time when the National Women's Lobby Group is spearheading efforts to support women candidates in all political parties.

Women participate both in the formal and informal sectors of the economy. However, their contribution is considerably more evident in the informal sector where they spend long hours with little economic gain. Economic reform measures, particularly the Structural Adjustment Programme (SAP), have led to a sharp increase in the number of people, both women and men, competing for business in the informal sector. More men have joined the informal sector making it more difficult for women small scale entrepreneurs to thrive.

In recognition of the need for women to be prepared to participate in Zambia's economic development, the Government has introduced the Programme for the Advancement of Girls' Education (PAGE). It has also put in place deliberate policy measures to advance women economically by introducing the Micro Finance Trust through which women acquire small loans for entrepreneur activities. Through the Ministry of Community Development and Social Services, the Government provides hammermills to assist women's groups to generate income. In agriculture, under the Agriculture Sector Investment Programme (ASIP), agricultural credit is handled by the private sector. However, women just like men are at liberty to enter into contractual arrangements with out-grower schemes which provide extension services and agricultural inputs for specific crops. These efforts are supplemented by NGOs.

As described in the introduction, the socially and culturally sanctioned status of women in Zambia is that of being subordinate to men. The GRZ has, through GIDD, carried out awareness campaigns with respect to the role of women in development, working in close collaboration with NGOs. These efforts seek to challenge attitudes that have developed over a long period of time.

ARTICLE 4: Acceleration of Equality Between Women and Men

Adoption of States of temporary measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in any way entail, as a consequence, the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity, shall not be considered discriminatory.

The glaring disparity in status between women and men is a consequence of the historical and cultural factors. In creation of producer (mining) and consumer (traditional system) areas, the male worker was encouraged to leave the rural area and move to the producer area.

This system contributed to the division of labour, one for men in the producer area and the other for women in the traditional sector of the economy. The Government realised the imbalances in many spheres of life for the Zambian women.

In order to redress inequality, the Government has taken a number of measures. In the education sector, the Government has put in place a 50:50 enrolment rate at grade 1. A Programme for the Advancement of Girl child Education (PAGE) has been designed mainly to accelerate the education of the girl child. Other measures include:- the elimination of masculine terms in the text books; the opening up of industrial arts and home economics to both sexes to eradicate stereotyping; introduction of gender training for curriculum development officers; and the reservation of 25% of government scholarships exclusively for women who qualify for entry into universities. The Government has also continued with a lower cut-off point for girls to qualify for entry to grades 8 and 10. There is an argument on the lower cut-off point that this measure adds to the inferiority

complex of girls as they are then perceived to be less intelligent than boys. However, for as long as the burden of responsibility rests heavily on the girl child in the home, this affirmative action is necessary.

Affirmative action has been more in the area of education. Therefore, there is need to expand these temporal measures to other areas of life to accelerate de facto equality between women and men.

ARTICLE 5: Sex-Roles and Stereotypes

States parties shall take all appropriate measures to:-

(a) ***modify the social and cultural patterns of conduct of men and women, with a view of achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority of either of the sexes or on stereotyped roles for men and women.***

(b) ***ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interests of the children is the primordial consideration in all cases.***

Despite the existence of matrilineal cultural groups, Zambian society is overwhelmingly patriarchal and customs, culture and religion are male dominated. Stereotyping with distinct division of labour between women and men is a feature of society. A number of traditional practices serve to reinforce the inferior status of women.

In many groups, men are expected to pay *lobola or bride price*. The payment of lobola has several consequences, one of which is to render the woman subordinate as she is regarded as the man's property. In some instances the woman is not free to flee the marriage until the lobola is repaid. A disturbing more recent development is that in urban areas some members of tribal groups where lobola was not traditionally paid have now taken up the custom.

Another negative tradition is that of polygamy, a practice open only to men and one where women are perceived as a man's property. It must be also pointed out that polygyny is recognised under Zambia's statutes. The practice subordinates women and lowers their status.

Initiation ceremonies and pre-marriage counselling, common to all ethnic groups but which vary somewhat in their practice, emphasise sex roles and encourage stereotyping. The girl or young woman is taught that her primary role in life is that of a wife, someone who cooks, cleans, has babies, cares for others and is docile.

Gender stereotyping also abounds in the songs and arts in the country. It is common for male and sometimes female artists to sing about women in derogatory language.

Most folklore in Zambia depict a witch as an old woman. Consequently, witchcraft is almost always associated with women and, of late, the number of elderly women being killed by members of their own families or by other people, is alarming society.

In addition to these cultural aspects, subordination of women has also been reinforced by the misinterpretation of religion and holy books. Respect for and submission to their husbands is a common feature of almost all religious teaching in Zambia.

Certain judicial pronouncements suggest that the judiciary has not been spared social and cultural biases and prejudices against women. For example in rape cases where it is assumed that the woman was indecently dressed hence the rape.

In the education sector, stereotyping in school books and school curricula has traditionally depicted girls and boys in traditional roles. There are, however, efforts being made to change this. Past policy was to run separate schools for boys and girls. While there were certain merits in this, girls were excluded from very good programmes. Technical schools and the only forestry college in the country were not open to girls. Most technical schools that were specifically for

boys, have now been changed into co-education schools.

While it is formally recognised that maternity is a social function, in practice the upbringing and development of children is not perceived as a common responsibility of women and men. These attitudes are also evident in other spheres of life. A good example is in employment where maternity is seen as a nuisance and frowned on by the employers.

Government, in conjunction with NGOs, has carried out awareness campaigns on social and cultural patterns and how these contribute to the gender imbalance in the nation. The Ministry of Education has a programme that is addressing prejudices and customary practices based on the idea of inferiority of either of the sexes. Some NGOs such as Women for Change have introduced innovative programmes which are addressing stereotyped roles and the heavy work load of women. These programmes also address the upbringing and development of children as a common responsibility for women and men. Additionally, it is hoped that the coordination of women will positively assist with the correct interpretation of holy books.

ARTICLE 6: Prostitution and Traffic in Women

States parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Prostitution generally refers to a woman or man who engages in sexual activity for payment. However, in the Zambian context, men are not associated with prostitution due to cultural values that permit and encourage male promiscuity. The case for women is very different in that any woman who has a sexual relationship with a man who is not her husband, whether for economic gain or not, is considered a prostitute. Zambian society does not condone prostitution and a known prostitute is stigmatised.

The high level of poverty is seen as having increased the incidence of social exploitation of children. Although these cannot always be classified as prostitution, they expose young women and girls to prostitution. In a study by the YWCA (1996) it was found that parents were exposing their children to sexual abuse by sending them to sell foodstuffs at pubs and other entertainment sports.

Zambia has not categorically legislated against prostitution but has sections that prohibit activities related to it. Under the Penal Code (Chapter 87 or the laws of Zambia), prostitution is referred to as a phe omenon with an economic dimension and certain aspects of it are penalised. It is illegal to solicit for customers, and to live off the earnings of a person who is engaged in sex work. It is also a punishable offence to detain a woman or a girl against her will and compel her to have sex with a man or men.

There are no specific laws on trafficking in women and there is very little information on the vice. Several incidents of trafficking in women and girls have

been reported but there is no concrete evidence of this. It is therefore necessary to carry out research to determine the extent of the problem.

The need to strengthen legislation against prostitution, exploitation of prostitutes and trafficking in women has been identified and measures to this effect should be taken in the context of current law reforms. Also other measures to combat the scourge involving civil society, in particular the Church, NGOs and CBOs are being taken. A few organisations in the country run programmes that try to reform prostitutes and protect orphaned girls from resorting to prostitution. The women and girls are empowered with income generating skills. Other programmes include adult literacy as well as pre-school and grade one education for children whose mothers are prostitutes. One NGO, Tasintha, operates a health scheme and has a clinic where sex workers can be examined every three months for STDs and HIV/AIDS.

ARTICLE 7: Political and Public Life

States parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) ***to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;***

(b) ***to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;***

(c) ***to participate in non-governmental organisations and associations concerned with the public and political life of the country.***

Zambian women have had the right to vote and to be voted into office since 1964. However, there continues to exist gender imbalance in the participation of women in political and public life. As stated earlier women in Zambia constitute only 12 percent of elected officials. Zambia embarked on a decentralisation policy in the 1980s. This meant that decisions on various aspects of life had to be made closer to the beneficiaries, at village, district and provincial levels hence the need for women's participation at all these levels.

Senior Government officers are involved in the formulation of policies. The majority of these are men. For example, in December 1997 there were 14 female and 52 male Assistant Secretaries and 8 female and 35 male Permanent Secretaries. In Cabinet, where policies are finalised and adopted there was only one female against 24 male Ministers. Between 1964 and 1997 the highest number of female Ministers has been 3.

Policy implementation is a function of the civil service which comprises both women and men. However, the participation of women is predominantly in the

service roles such as nursing and teaching.

Few women hold public office in the areas of business, trade unions and churches. However, between 1985 and 1993, female business ownership increased marginally from 11.6 percent to 13.4 percent. In 1985 there were 185 businesses registered by women as compared with 1,599 by men. By 1993 women who owned businesses had increased to 650 but men to 4,837. The participation of women in the trade union movement has also increased through creation of women's committees in all of the nineteen unions that are affiliated to the Zambia Congress of Trade Unions (ZCTU).

Religious participation has shown some progress. There has been a number of ordinations of women reverends and pastors in the Protestant denominations resulting in women participation in the decision making process of the churches.

Government provides an enabling environment for both women and men to participate in NGOs. This is confirmed by the growing number of NGOs in the country. In women specific NGOs, the growth has been enhanced by the last three world conferences on women which created awareness of the status of women in Zambia. A number of these NGOs have for the first time focused on the role of women in political and public life.

ARTICLE 8: International Representation and Participation

States parties shall take all appropriate measures to ensure to women, on equal terms with men, and without any discrimination, the opportunity to represent their government at the international level and to participate in the work of international organisations.

The Zambian Government has a non-discriminatory policy with regard to representation in foreign missions. Although previously, married women were not allowed to represent the government in foreign missions, this policy has changed, and a married woman may be appointed to serve in missions abroad accompanied by her spouse and children. From 1980 to 1996 the highest number of representation of women in foreign missions at the Head of Mission level was 4 out of a total number of 29. At the time of completion of this report, there was 1 female Head of Mission.

The majority of female officers in Zambian Foreign Missions play a support role. All 25 missions have female personal secretaries. The school of diplomacy and international studies has a higher turn out of males. From the period 1993 to 1997 it produced 185 graduates out of which only 44 were women. The principle of affirmative action in the appointment of women to serve in missions abroad is an issue for which the women's movement has been agitating.

Zambia, like any other UN member state takes its turn to sit on various UN agencies such as the Commission on the Status of Women. The persons elected to sit requires the nomination and support of the government concerned. For non-elective positions there is no need for Government approval and women compete on the same basis as men. One female judge has been appointed to serve on the International Tribunal for the former Yugoslavia in recognition of her professional record. By comparison with men, fewer women have represented the country in international organisations.

The Zambian Government has a non-discriminatory policy with regard to inclusion of both females and males on international delegations. However, delegations will constitute more or less women depending on several factors, such as gender representation in the staffing establishments of the sending Ministries or institutions; gender biases in selection and the type of event. For example, during the Beijing World Conference in 1995 the delegation leader was a woman, and most of the participants were female, and men also attended the conference. However, most international meetings and conferences have been male dominated. In order to identify women professionals in Zambia, a directory was first published in 1992 and presented to the relevant authorities in Government, NGOs and the private sector.

ARTICLE 9: Nationality

States parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

The Constitution of Zambia and the Citizenship Act provide the rules for acquisition of citizenship for those born in Zambia; those whose parents are Zambians, whether through adoption or birth; and those who become citizens through naturalisation . Rulings are also in place for loss of citizenship. These rulings apply to all Zambians, regardless of sex.

However, the situation for those who marry a Zambian and seek Zambian citizenship is not one of equality of the sexes. A foreign woman married to a Zambian requires a letter of consent from her husband if she wants to apply for citizenship. Before 1989 the law stipulated that a foreign spouse of a Zambian man could apply for citizenship after three years of residence in Zambia, while the foreign spouse of a Zambian woman qualified for citizenship only after being resident for ten years. Since 1989, any foreign spouse irrespective of gender qualifies for citizenship after ten years. The feeling among women is that this period is too long and particularly punitive to women insofar as their foreign born spouses, who may be the main or only provider, are not able to avail themselves opportunities that would otherwise be open to them.

A passport allows citizens the fundamental right to freedom of movement. However, the passport office requires that women have written consent of the father of their children to travel. This has been overturned in court but is still practised. Government recognises the custodial rights of parents or guardians, both females and males. Hence, there is need to revise the law so that it applies

to both parents or guardians. The first page of the passport which provides for a photograph of the holder also provides for a photograph of the wife. Additionally, married women are required to provide details of their spouses. Such requirements should either be scrapped altogether or apply to both females and males.

ARTICLE 10: Education

States parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) *the same conditions for career and vocational guidance, for access to studies and for the achievement of diploma in educational establishments of all categories in rural as well as urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training.*

(b) *access to the same curricula, the same examinations, teaching staff with qualifications of the same standards and school premises and equipment of the same quality.*

(c) *The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging co-education and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adoption of teaching methods.*

(d) *the same opportunities to benefit from scholarships and other study grants.*

(e) *the same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing at the earliest possible time, any gap in education existing between men and women.*

(f) *the reduction of female students drop-out rates and the organisation of programmes for girls and women who have left school prematurely.*

(g) *the same opportunities to participate actively in sports and physical education.*

(h) *access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.*

The Zambia education system is segmented into three levels: primary school consisting of Grades 1-7; the secondary level, Grades 8-12; and the tertiary level, universities and other training institutions. There is also provision for pre-school attendance. In theory all children should attend school for nine years, and it is the vision of the Ministry of Education (MOE) to achieve education for all by the year 2001.

The public sector educates most children. Private and religious schools account for approximately one-third of secondary school enrolments. Current data does not exist on the number of private schools at primary level, but in the past, these accounted for only 2 percent of the total enrolment. A feature of recent years is the development of community schools, that is, schools established, run and financed by communities with the support of NGOs and religious organisations, in response to their own needs.

According to the Education Statistical Bulletin, an annual completion by the Planning Unit of the MOE, the number of pupils in primary schools increased by 9.0 percent between 1986 and 1995. Out of every 1,000 children in the nominal primary school age (7-12) groups, about 830 were in school in 1995. There are not enough school places to meet the demand for primary education. The urbanised areas along the line of rail have an average class size of 40 and in many schools there are two and three shifts, but still, many children are left out.

A number of studies have shown that there are gender imbalances in the education system. While at primary school enrolment, there is parity between boys and girls, disparities emerge in secondary schools and grow wider the higher up, until the ratio at university level drops to 1:3. In 1994, it was estimated that more than 50 percent of school-age girls were out of school. Data from 1984 to 1996 shows that girls are consistently less likely than boys to finish primary school with poorer and more rural girls the least likely to be able to be educated.

Girls are out performed in all subjects at Grade 7 Leaving Certificate level and in 16 out of the 17 subjects at school leaving certificate level for reasons that are cultural rather than cognitive. Girls perform poorly because they are overburdened with household chores; for example, they perform 12 out of 20 identified chores whereas boys perform only 3. Other factors, such as low performance expectations, especially in science and technical subjects, particularly on the part of girl pupils, parents and /or teachers contribute to this state of affairs. All these factors combine to demotivate girls and reduce their opportunities. It has been found that 30 percent of girls have children before the age of 19. Ignorance, exploitation by members of the opposite sex and traditional values attached to the girl child are some of the causes of these early pregnancies.

Quality education cannot be guaranteed unless there are sufficient qualified teachers. Currently, 15 percent of primary school teachers and 25 percent of teachers in rural areas are untrained. Because of poor salaries and conditions of service most teachers opt to work for private institutions. Schools in rural areas are shunned for a variety of reasons but mainly because of lack of infrastructure and amenities. There are 15,772 trained male teachers compared to 13,744 females and of untrained teachers, only 2,951 are female while 6,061 are male. Government is enhancing efforts to ensure that schools are equipped with adequate trained teachers, both female and male. There is now a strategy to recruit greater numbers of female teachers to encourage higher participation of girl children in education, as female teachers act as role models. The development is a positive one.

Government realises that it cannot meet all the expectations in the area of education. Private and community schools provide basic education outside the formal system and this is encouraged as an alternative avenue. So far most community schools are in urban areas catering for girls, the poor and orphans. There are currently about 3,000 children enrolled in 22 community schools.

About 65 percent of the students are girls. The majority are run by NGOs and religious organisations and operate in temporary structures. They are most often staffed by untrained teachers who work as volunteers. The rapid growth of community schools shows that they are an important element in addressing the pressing need for school places. There is therefore need to co-ordinate activities of all organisations running these schools in order to make the best of this initiative. Already, these organisations have formed an NGO called the Zambia Open Community School (ZOCS) which is an umbrella contact group supported by UNICEF. Its main functions are to co-ordinate the activities and provide networking for community schools. ZOCS has developed a syllabus and a teacher's guide for community schools called "SPARK" with UNICEF's assistance.

The private sector and the churches are involved in teaching, secretarial and trades training, as well as basic education. There has been a marked increase in the number of private skills training institutes since 1987. These cater for trainees who cannot be admitted into Government technical education and vocational training programmes due to the limited number of places. NGOs contribution to education ranges from pre-school, to secondary adult education, and skills training. The NGO programmes focus on basic health, nutrition, and civic education. Recreational activities such as sports are also provided.

The provision of basic literacy education has been an ongoing effort since independence. In 1991 the government established the National Alliance for the Advancement of Literacy and a Zambia Literacy Secretariat was established at the Ministry of Community Development and Social Services. One of its objectives was to promote awareness of the rights of women and organise basic literacy for women. Thus far, Ministry of Community Development and Social services has enrolled 32,616 women and 13,906 men in their literacy programme. Other institutions that provide literacy classes are the Zambia Association for Adult

Education of the Ministry of Education through skills training. The University of Zambia Department of Adult Education offers a two year diploma course in adult literacy. NGOs also provide literacy education. At the YWCA, for example, literacy is integrated in the project which focuses on women and youth.

The National Education Policy of 1996 took into account these problems of education, and in particular of girls' education, into consideration. The policy acknowledges that the state has an obligation to protect and advance the education of all Zambians, especially women. Key gender elements of the education policy are:

- to achieve gender balance in educational institutions and within the education system;
- to ensure that female students are integrated with males as equal beneficiaries and partners at all levels of education; and
- to take measures to encourage the participation of girls in science and technology.

To ensure the realisation of these objectives, the MOE directed schools to enrol boys and girls at a 50:50 ratio at Grade 1. However, research has shown that it is not yet possible to achieve this goal as many parents in rural areas do not demand this right, and sometimes withdraw their daughters from school thus forcing teachers to fill classes with male children. The Ministry also issued a directive stating that 25 percent of scholarships should be granted to women who qualify for university. The MOE has also introduced the child to child programme which is designed to assist in changing attitudes of boys to girls and the attitudes of the teachers towards girls.

Because of the low levels of participation in formal education by girls the government has in partnership with the donor community and NGOs developed

programmes, to accelerate girl child education. The Programme for the Advancement of Girl Child Education (PAGE) is based on the premise that increased investment in the education of the girl child can accelerate growth in several ways. It will reduce high drop out rates, early pregnancies and lower fertility rates. PAGE, which is implemented by the Ministry of Education seeks to carry out research into key aspects of girl's education, advocate on behalf of girls' education, promote female role models, support teachers and parents, support girls' education, introduce single sex classes, and take measures to prevent the spread of HIV/AIDS. Some of PAGE's measures include the elimination of masculine terms in text books, the opening up of industrial arts and home economics to both sexes, the introduction of gender training for curriculum development officers, and the reservation of 25 percent of government scholarship exclusively for women who qualify to enter to universities. In addition there is a lower cut-off point for girls to qualify for entry to upper grades. "Gender Across the Curriculum" is a PAGE innovation aimed at integrating gender and social change topics into the regular courses teacher training colleges. While evaluations have shown that the PAGE programme is doing well, it has been argued that the concentration on the girl child may be disadvantaging the boy child. However, it has been agreed that there is need to concentrate on girl-child education in order to close the gap created by the imbalances of past policies.

The Basic Education Sector Investment Programme (BESSIP) to be implemented by the MOE is aimed at improving and reforming the education system and is targeted at increasing demand for secondary and tertiary education. The implementation of BESSIP will include support to on-going reform process within the BESSIP framework. The long term objective of BESSIP is to improve the management and efficient use of human and financial resources implied in the decentralisation, budget reform and teacher education.

Two international organisations are involved in girl-child and female education in Zambia. Forum for African Women Educationists (FAWEZA) overall objectives include highlighting priorities in the education of women and girls; building consensus on the kind of support needed for accelerated female participation in education; creation of awareness through media; influencing policies relevant to female education; encouraging government, donors and NGOs to increase investment in education; documenting and disseminating innovative strategies aimed at accelerating female participation in education; and minimising impediments faced by females in education. The mission of Alliance is to enhance the role that African non-governmental and community based groups play in improving girls' education. FAWE (Forum for African Women Educationalists) covers four countries including Zambia.

ARTICLE 11: Employment

1. States parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to `ensure, on a basis of equality of men and women, the same rights, in particular:

(a) the right to work as an inalienable right of all human beings.

(b) the right to the same employment opportunities including the application of the same criteria for selection in matters of employment.

(c) the right to free choices of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training.

(d) the right to equal remuneration, including benefits, and to equal treatment in respect to work of equal value, as well as equality of treatment in the evaluation of the quality of work.

(e) the right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, states parties shall take appropriate measures:

(a) to prohibit, subject to the imposition of sanction, dismissal other grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status.

(b) to introduce maternity leave with pay or comparable social benefits without loss of former employment, seniority or social allowances.

(c) to encourage the provision of the necessary supportive social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of

children facilities.

(d) to provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

The Zambian Constitution recognises the equal rights of men and women to participate in the economy and to enjoy fair labour practices and safe and healthy working conditions. No person should be required to perform forced labour. In addition, employment in Zambia is governed by statutes, collective bargaining and the common law that regulate the employment of both men and women. Both sexes have the same right to enter into contracts of employment.

Laws that in the past banned women from securing certain types of work, for example, night work and mining, have been repealed. Another positive change has been in the use of language. For example, the "Workmens" Compensation Act has been changed to the "Workers" Compensation Act. The courts have upheld the rights of women to take maternity leave and to maintain the family unit.

Zambia has ratified the International Labour Organisation (ILO) Convention on equal pay for men and women. However, income disparities between men and women with the same educational standards and doing the same job still exist. Men also earn extra money through working overtime, whereas, women's dual roles make it difficult for them to work overtime. As a result, men tend to rise faster, bringing about more income discrepancies.

In law and in theory, both sexes have equal right to training. In practice both

training and promotion are biased against women because of the general feeling that women, due to their dual roles of workers and mothers, make unstable workers. The government has a new policy on training which has a bias towards the training of female and disabled officers, in line with requirements of CEDAW. The impact of this policy is yet to be evaluated.

Some employment practices, dictated by law, have in the past, and are still in practice, discriminatory. For a long time married women were not entitled to housing or housing allowance. This has changed and now women and men are equally entitled to a house or housing allowance. However, in practice the housing unit is usually allocated to the man. This may be attributed to the traditional view of the marriage arrangement and the woman's and man's stereotyped responsibilities and roles. The factor of the males often holding more senior positions than their wives at work also contributes to this. Until recently, male civil service employees retired at the age of 55 while women were sent on retirement at 50. Government has now harmonised this.

The Employment Act provides for maternity leave with full pay after the completion of two years of service. Although there are sometimes attempts by employers to undermine full enjoyment of these rights, courts have upheld the same.

The most common source of child care in Zambia is the family. However, the role of the male partner, or male relatives in looking after children is minimal. In urban areas hired help is common. There are not enough crèches to cater for women's needs, although government and local authorities provide some facilities. It has been recognised that breastfeeding is the best for a child. However, the majority of employers do not provide for breastfeeding facilities nor allow women time off to breastfeed after the official maternity leave is over. The National Food and Nutrition Commission (NFNC), with the support of UNICEF,

has carried out intensive campaigns to encourage mothers to breastfeed. Government and other stakeholders will engage in efforts aimed at ensuring that work places are mother/baby friendly.

Some employers still prefer males to females in jobs that either sex can do. This applies mostly in the areas of mechanical and engineering jobs.

Women's participation in the economy remains insufficient. According to the 1996 ZDHS, 54 percent of women were not working, 21 percent were working all year, 19 percent seasonally and 6 percent occasionally. In addition, Zambia has continued to experience formal employment decline due to the negative impact of the economic reforms and SAP. In the employment sector, women are less secure, being more concentrated in the less skilled occupations. In 1994, 4,100 of the total number of employees in the local government sector were females. By June 1995 the number had dropped to 3,300. The number of female employees in parastatals dropped from 18,300 in December 1994 to 16,200 in June 1995. The number of female employees in the private sector increased from 34,000 in December 1994 to 35,800 in June 1995.

Whereas the informal sector was dominated by women before the economic reform programme, male youths have now flooded the sector and pushed out women and female youths. These changes in the labour market have therefore affected women more than men.

ARTICLE 12: Health

1.	***States parties shall take all appropriate measures to eliminate discrimination against women in the field of health care to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.***
2.	***Notwithstanding the provision of paragraph 1 of this article, states parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well adequate nutrition during pregnancy and lactation.***

During the period 1991 to 1996 steps were taken to reform the health sector in order to provide all Zambians with an affordable and cost-effective health package close to their communities. The National Health Services Act of 1995 and the National Health Policy decentralised the health sector, shifting financial and management responsibilities to districts as well as to individuals and communities. Communities, including the women in those communities, now, in theory, have some influence on local planning of activities and priority setting in matters concerning their health.

There has been a slight improvement in access to health services. In 1991, 72 percent of rural households had access to health facilities within 15 kilometres of their homes. This had increased to 85 percent by 1993. Although there is no gender disaggregated data with respect to physical access it can be stated that women and men have equal access to health care services. However, it has been found that women are more likely to be affected by distance to health facilities, as the probability of their going to a health centre declines the further away it is. Moreover, many women still need to seek the permission of a male family member to visit a health facility and this requirement increases in importance with distance. A major root cause of these limitations is the fact that women carry responsibilities associated with taking care of the family. In addition, the

introduction of user fees in 1993 under the reform programme has disadvantaged women, especially rural women, who have limited access to resources.

Low life expectancy is a reflection of high mortality rates, especially of women and children. The 1996 Zambia Demographic and Health Survey estimated the maternal mortality rate (MMR) at 649 deaths per 100,000 live births, one of the highest in the world. One of the contributing factors to the MMR is that slightly more than half of women give birth at home, without assistance from trained health workers, especially in the rural areas. Deaths among pregnant teenagers also contribute to increased mortality. Statistics at the University Teaching Hospital (1995) showed that 75 percent of maternal deaths were of teenage mothers. At least a quarter of the recorded deaths among teenage mothers were as a result of induced abortion.

To reduce maternal mortality and neo-natal morbidity and mortality, Zambia has mapped out a safe motherhood programme. In rural areas maternal care is often given by relatives and traditional birth attendants who do not know much about safe motherhood practices. Since 1983 the government has been running training programmes for traditional birth attendants and community health workers in order to improve the quality of service that they provide and to encourage them to help women to seek antenatal and postnatal services. According to the 1996 ZDHS, 96 percent of women who were pregnant during the preceding year had received antenatal care from a trained provider.

In 1996 the government revised the 1989 population policy. The 1989 policy put emphasis on reduction of family size. The revised policy recognises the inter-relationship between population factors, socio-economic and cultural factors, and takes into account issues of adolescent health, safe motherhood and HIV/AIDS. The policy also provides for access to information. 90 percent of sexually active women are reported to be aware of at least one modern method of family

planning. The condom is more widely known and used by adolescents, while the method of first choice for all women is the pill. These is also a discrepancy between the levels of knowledge and use of contraceptives. In 1996 the percentage of women using contraceptives of any kind was only 26 percent and even fewer, 14 percent, use modern, more reliable methods. This may be attributed partly to the policy which, until 1990, demanded that a woman should produce a letter of permission from her husband before she could be given contraceptives. Although the official policy has changed, the practice continues because many people, including clinic based health providers, are not aware that a husband's consent is no longer required.

The low use of family planning results in unwanted pregnancies and illegal, unsafe abortions that carry the risk of maternal mortality. Under the Penal Code, abortion is a criminal offence. Although the Termination of Pregnancies Act permits abortion for health reasons women, adolescent girls and service providers are not aware of these provisions. Even for those who may be aware of the law, legal abortion is not automatic. The final decision is made by a panel of three doctors one of whom should be a psychiatrist. Between 1992 and 1995 there were 7 doctors per 1,000,000 population. Women who want a termination of pregnancy in the rural areas cannot get it because no doctors are available to make the decision or carry out the abortion.

The phenomenon of HIV/AIDS contributes to a large proportion of mortality. Data from antenatal clinics for 1994 show sero-prevalence of up to 31.9 percent in urban populations. According to a 1996 study; HIV prevalence is highest in 20-30 year old women and 30-40 year old men. In the younger age cohorts HIV prevalence is higher in females, with infection rates for 15-19 years old females being five times higher than the male rate of infection.

Malnutrition affects many Zambian women and their children. Forty-two percent

of Zambian children are stunted, a sign of long term malnutrition. The Government has stressed the need for inter-sectoral co-operation and resource sharing in the field of nutrition. In many parts of the country the Ministries of Agriculture and Health are already working together to improve the nutritional status of the people in their areas. In addition, there are nutritional policies on the fortification of food.

While cervical cancer is the most common type of cancer for women in Zambia, there are few screening programmes and almost no provisions for early treatment of the disease.

ARTICLE 13: Social Security and Economic Benefits

States parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure , on a basis of equality of men and women, the same rights in particular:

(a) the right to family benefits;

(b) the right to bank loans, mortgages and other forms of financial credit;

(c) the right to participate in recreational activities, sports and all aspects of cultural life.

Government policy is to alleviate the suffering of those not able to fend for themselves. To this end, several programmes have been put into place, including the Public Welfare Assistance Scheme(PWAS), the Child and Family Welfare Scheme and the Social Safety Net, all administered through the Ministry of Community Development and Social Services. However, both capacity within and resources available to the Ministry are inadequate.

Through PWAS the government tries to meet the needs of destitute Zambians, specifically the aged, handicapped people, victims of disaster, the chronically ill and those awaiting repatriation, through the provision of food and shelter as well as payments of medical fees and school requirements. An evaluation of the PWAS conducted by Holloway and Associates (1996) shows that the number and percentage of the aged recipients of PWAS has been increasing since 1993. However, the percentage of the disabled, unsupported women and unsupported children recipient showed no significant change.

Various legislation support wives' rights to her husband's benefits in the event of his death. According to the Worker's Compensation Act, widows are entitled

to receive any payments if a worker is involved in an accident which results to death. The Zambia National Provident Fund(ZNPF), pays benefits to the widow in the absence of another nominee. Housing allowances are also provided to wives.

Prior to 1989 the married couple was treated as a single taxable unit. Incomes of married women were deemed to be additional incomes of their husbands. The married women's income, therefore, attracted higher taxation, while it did not entitle her to any allowances. All allowances, including child allowance, were paid to the husband. A married woman, even if her husband was unemployed, could not claim married allowance. She could, however, claim single and child allowance. After 1989 marital status ceased to have a bearing on one's taxable income, whatever one's sex. However, allowances are still strictly payable to husbands and are not transferable to wives.

While there is no law or Government policy that discriminates against women in the area of credit, a number of problems associated with women's ability to access credit have been cited. Cultural and institutional biases and prejudices against women have manifested in the form of administrative barriers, such as banks insisting that the husband should give consent to a wife's application and/or collateral being proposed. This may be so even in cases where a woman has exclusive title over the property in question. Women also lack information on the availability of loans and required procedures which themselves are a hindrance as many women are illiterate.

In rural areas, women are hardly able to access credit. The Agricultural Credit Act allows livestock to be used as collateral. In traditional rural households, men control livestock, while women cultivate. In most traditional cultures, women are treated as labourers in spite of the fact that they constitute the majority of peasant

farmers and produce 80 percent of the nation's food stock. Even when women do actually own property, these attitudes hardly change. Agricultural institutions (human agents) are not immune to these prejudices.

In recognition of the sufferings of the majority of women who have to bear the brunt of social and economic ills, Government has been administering credit to women groups engaged in income generating activities. These include hammer mills. It has been found, however, that often women are ill-equipped to manage their business ventures and have to depend on male partners or employees. The latter emerge as major beneficiaries.

On the other hand, more success appears to have been scored in women's recreational activities clubs as compared to purely commercial undertakings. It has been reported that because recreational clubs allow for attainment of knowledge and skills, the women are better able to generate income and manage their activities. Spouses are more willing to assist in carrying out domestic chores in order to facilitate their wives' participation because of the incentive of financial gain. It can be said, therefore, that when husbands appreciate the positive contribution the activities are making to their families' livelihoods, they are more willing to change attitudes otherwise steeped in prohibitive cultural traditions.

The Government has introduced a new policy on sports for all which promotes equal rights of participation at all levels for both women and men. It is a grassroots programme revolving around a committee with democratically elected leadership, designed to give opportunities for all to take part in activities, regardless of their status, creed, religion, physical or mental abilities or their ethnic roots.

The programme is just being launched. Otherwise, all sports, other than netball, are dominated by men. There is need for reorientation, including change of media focus to achieve balanced cover.

ARTICLE 14: Special Programmes for Rural Women

1. States parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetised sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right.

(a) to participate in the elaboration and implementation of development planning at all levels;

(b) to have access to adequate health care facilities, including information counselling and service in family planning;

(c) to benefit directly from social programmes;

(d) to obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) to organise self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment of self-employment;

(f) to participate in all community activities;

(g) to have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as land resettlement schemes;

(h) to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communication.

Although Zambia has one of the highest urbanisation rates in the region, at 43 percent, the rural population is still considerably high and much of the country's agricultural production takes place in the rural areas. Agricultural small holders comprise 75 percent of the farming population and women farmers are the majority although they may be members of either male-headed or female-headed households. However, even in female-headed households, women do not necessarily make decisions as culture often dictates that these are made by male members of the community.

Nearly 90 percent of small and medium scale agricultural households are classified as core poor or unable to guarantee themselves a nutritionally adequate diet. Female headed rural households constitute the poorest and most vulnerable groups in Zambia A major reason for the general poverty of rural women, relative to men, is that men control surplus production while women's agricultural production tends to focus on subsistence production for the family. Even where women are involved in cash crop production, which they often are, this is usually in supplying labour to their husbands fields. It is the husbands who control the crop, and the income which derives from this cash crop. Further, the women in the rural areas have no control over cash earned.

Most rural women are classified as housewives, unemployed or economically inactive and yet they are involved in subsistence agriculture, unpaid domestic work and in casual or seasonal wage labour in agriculture or in varying combinations of these activities. Rural roads are non-existent in most parts of the country and rural women use conventional foot paths, canoes and to a limited extent, the bicycle. Roads infrastructure in most rural areas of the country is either non-existent or unreliable. This means that women's access to viable markets is limited. In most rural areas, women's access to energy is limited to firewood and charcoal. Women in rural areas carry heavy loads in most cases on

their heads such as firewood or agricultural produce sometimes with babies on their backs.

Government has introduced rural development programmes in rural areas such as agriculture as elaborated in subsequent paragraphs. These are responsive to gender concerns of the rural women.

Mortality rates of women in rural areas are higher than in urban areas due to distances from rural health centres, poor education and other restrictions associated with failure by women, their husbands and relatives to perceive health as a survival necessity. While the 1996 ZDHS reported a national figure for maternal mortality of 649 per 100,000 life births, small community based studies carried out in Western and Luapula Provinces have reported figures of approximately 1,200.

The nearest health centre for a rural woman is about 12 km. To improve on accessibility of health facilities, the health reforms emphasise the decentralisation of services from the central level to the districts. In addition, the government has increased the number of health centres from 1,042 in 1991 to 1,082 in 1996 and is upgrading many facilities to increase the range of service offered. Rural health centres are poorly supplied with drugs and equipment. In addition many rural health centres lack sufficient drugs and supplies, are staffed by poorly trained health personnel and lack transport and communication facilities. Cost sharing measures adversely affect the rural poor who cannot afford user fees, and private medication.

Reproductive health services for rural women are affected by all these factors. Antenatal care is almost universal according to the 1996 ZDHS. However, only one quarter of rural women deliver in health centres and over half are delivered

by untrained family members. Only 8% use a modern and reliable method of contraception and this is almost always a re-supply method.

Infant and child mortality in rural areas is higher according to the 1996 ZDHS. Infant mortality in rural areas for the 10 year period preceding 1996 was 118 per 1,000 births compared to 92 in urban areas. Under five mortality was 205 compared to 173. The major causes of child death are malaria, acute lower respiratory disease, diarrhoea and malnutrition.

To improve the status of women, it is now Government policy that women's productive roles should become an important lever for stimulating growth in the country. Government is committed to integrating women into programmes in rural areas so that, as end beneficiaries, they benefit on the principle of equality of women and men from rural development programmes as per requirements of CEDAW. It has been realised that to a large extent social and economic success is dependent on availability and accessibility of services in rural areas. Hence, rural development programmes are an integral part of social-economic measures Government has embarked on.

The Agriculture Sector Investment Programme (ASIP) 1996, is an integral part of the Structural Adjustment Programme, which aims to enhance private sector participation through free market development. This programme has several components but most relevant is that it is gender sensitive and acknowledges the importance of women's participation. To that end the programme aims to improve services to small holders, the majority of whom are women; the economic status of women; and rural finance. Unlike in the past where, Government institutions made all decisions on the development of small holders schemes, the new approach is to encourage the participation of farmers in all aspects of scheme development. The impact of ASIP has not yet been assessed

due to the fact that the implementing structure is not yet in place.

It has been recognised under ASIP and other programmes that it is important to integrate women in the organisation and implementation of the programme hence, female extension workers are encouraged as it has been proven that most women prefer getting assistance from female extension officers. Another approach is to use gender sensitised male workers.

The ASIP Mid Term Review held in June, 1998 gave an indication that ASIP's performance since implementation started in January, 1996 has fallen short of the stakeholders' expectation. Given the validity of the approach and lessons learnt during the two and half years of implementation, an action plan was proposed to re-orient and improve the programme implementation so as to achieve the set goals.

Realising that much of the upstream plant breeding success on food security crops had not been passed on to farmers, a well co-ordinated and effective seed and planting material multiplication was introduced in 1992/93. The project has been operating in 10 districts and records the involvement of 1,000 women. It targets small scale farms and organises women's groups into co-operative societies. It is reported that in the first season (1994/95), 68% got some harvest and 30% of all the groups got a net surplus.

Few women own land. This is worsened by the fact that, customary law dictates that they are not allowed to own land. Women are in the majority of persons without title deeds and that 10% of the female headed households seek title on inheritance. The Ministry of Lands has a strategic plan of integrating gender perspectives into land issues to redress the gender imbalance and other forms of discrimination in landholding by encouraging women and people with special

needs to own land. Much more needs to be done to resolve the problem of unequal access to land especially with regard to the disadvantaged most of whom are women. To that end the Government has held seminars and workshops to educate women and rural persons. Statistics at the Lands and Deeds registry show an increase in the number of women applying for land since 19995. However, full assessment is difficult because statistics are not yet gender disaggregated. In addition the Government has set up the Lands Tribunal to settle land disputes and to help decongest the legal system as regards issues dealing with land. The absence of formal legal procedures and the fact that the Tribunal will accept detailed factual representations is an advantage for any complainant whose testimony might otherwise be stiffed by ordinary court proceedings. Hence it is advantageous for women but is not mainly about women. There are concerns, however, from certain interested groups, especially women's groups, that women are under represented on the tribunal with a ratio of 1:6.

Equally important to women's participation in the economy is their access to credit. Commercial Banks and other financial institutions provide credit facilities in Zambia. Whereas there is no legal barrier or regulation limiting women's access to finance, studies in the agricultural sector have shown that fewer women have access to agriculture credit. Some of the main constraints cited are lack of collateral, particularly title to land which banks require as collateral or livestock as allowed by agricultural lending policies but which only men have; ignorance on the availability of and the requirements to get access to credit, compounded by women's relatively high level of illiteracy and low level of education; that information and applications for loans are distributed by agricultural extension workers who seldom visit women farmers; failure to meet the lending criteria because women grow subsistence crops, not the cash or export crops which are usually associated with credit; that most women are not members of co-operative societies and are, therefore, ineligible for loans from co-operative societies; that even when they and their husbands are members, credit is usually limited to one

member per household and this is normally the male head of the household; administrative discrimination in the financial institutions which require a male co-signatory; cost of time to travel to credit institutions, given women's time constraints; and the limited size of women's farming operations, in spite of the good repayment record among women borrowers. It is hoped that these cultural and institutional barriers will be eradicated through a systematic combination of measures introduced by Government and other stakeholders.

To most Zambian women, money lending or borrowing is a relatively new phenomenon. In the past, friends and relatives were the most important sources of credit. However, women have been exposed to new credit, developed to reduce or alleviate the constraints hampering effective contribution of women to the informal sector. Zambia has experimented with various credit schemes to meet the financial needs of small entrepreneurs, including women. For example the Peoples Participation in Rural Development Programme established in 1980 targeted the poorest of the poor with special emphasis on rural and peasant women, especially female heads of households. By 1991 it was reported that 1,114 women and 345 men had benefited from this credit scheme. Certain NGO schemes, notably those of Africare and World Vision are targeted at rural areas.

The Ministry of Community Development and Social Services hammermill project which began in 1993 and is referred to in a preceding paragraph has special focus for rural women. In spite of management problems associated with lack of skills, the project has impacted positively on the nutritional status of the communities.

In addition to ensuring that women have access to credit, the Government has set up a Micro Credit Delivery Programme aimed at poverty alleviation through the promotion of income generating activities and credit delivery for the poor. At

present at least 10 credit delivery institutions have benefited. These are institutions which cater for the credit needs of the rural poor with regard to credit. The Women's Finance Co-operative Bank also provides credit to women.

The removal of Government agricultural marketing services, has impacted negatively on women's ability to access the market as they have to travel long distances.

Women play a valuable and dominant role in ensuring that safe drinking water and adequate waste disposal means are available. The government set up the Water, Sanitation and Health Education (WASHE). WASHE is aimed at changing behaviours in water and sanitation sector. The pilot project was to integrate the teaching of hygiene into school curricula so that children were trained to assist their peers, parents and the community in simple technologies for water and sanitation. The programme focuses on both sexes and the theme is to empower your own sister, your mother and your country. However, the programme has met with a few problems because of lack of water. The rapid assessment report found that the programme had higher implementation rates in areas where there was plenty of water.

The Government has realised that in order to develop rural areas, there is need for rural electrification. The energy policy was launched in 1994 and much progress has been made with the introduction of the Rural Electrification Fund and at the time of writing this report, 6 rural villages had been electrified. Government is to take measures aimed at ensuring that the policy and implementation processes are gender responsive, in particular ensuring that women, as main users of domestic energy and potential entrepreneurs, benefit. Only 2 percent of the rural population use electricity and kerosene. Wood, fuel for example (firewood or charcoal) are the main domestic energy sources and cover 90 percent of the

households in the country.

The Social Recovery Project was established in 1992 to mitigate the negative effects of the structural adjustment and stabilisation programme on the poor. The project has contributed to the improvement of social infrastructure and services delivery through the micro projects programme. The projects supported are generally small, locally generated and covers various sectors including health, nutrition, education and economic infrastructure, both in rural and peri urban areas. Implementing communities are expected to participate in the planning, implementation, management and maintenance of their projects through their local committees for the Micro Projects implementation. Government is taking necessary measures to ensure that substantial benefits from the project accrue to women who are major victims of social hardships in communities.

The Programme Against Malnutrition (PAM) was established in 1992 and is an umbrella secretariat organisation for NGOs involved in programmes for the prevention of malnutrition. PAM provides links between rural NGOs, the Government and donors with a view to facilitating drought relief and long-term community based activities aimed at improving household food security and nutrition. The Scheme has been piloted in ten districts for three years and is currently being evaluated before being launched nation wide.

In addition, a number of donor supported projects in the Ministry of Community Development and Social Services and NGOs exist and are aimed at increasing the availability of food for households and also include a possibility of generating income for women. These include bee keeping, agriculture, food processing poultry, fishing and domestic programmes.

ARTICLE 15: Equality before the Law and in Civil Matters

1. ***States parties shall accord to women equality with men before the law.***

2. ***State parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.***

3. ***State parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.***

4. ***State parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.***

The Constitution of Zambia guarantees all rights, including protection of the law, to all citizens, male or female.

Any person above the age of eighteen can sue and be sued in their own name. However, Zambia's plural legal system which has its origins in Zambia's predominantly traditional cultures and colonial history, allows the co-existence of statutory and customary laws. The High Court applies statutory law while the lower courts apply customary law. Customary law is applied to the majority of cases relating to personal relations and to property rights and ownership. In the villages such disputes are either heard by headmen and chiefs who sit with assessors, or in local courts. The local courts, staffed by non-professional justices, are also predominantly male. There are only three women amongst the 72 local court justices who also have no legal training. Female representation is equally low in the High Court. Out of 19 judges, only two are women, while two out of seven Supreme Court Judges are women. During the period 1980 to 1993

the proportion of women to men remained static at 4 percent for local court and 11 percent for High Court justices. However, the proportion of women to men among magistrates did rise during the same period.

Customary law and practice, which dominate personal law, are patriarchal in leaning and therefore largely biased against the woman. There are gender biases emanating from the fact that customary laws are unwritten; administered by a male-dominated local court system composed of untrained justices who come from a patriarchal background. Concerns have been raised with regard to law enforcement agents who exhibit insensitivity to crimes against women. Zambia is faced with a serious challenge of ensuring that laws, both statutory and customary, and its administration is gender neutral. The challenge calls for concerted effort from Government, the civil society and the public at large. Government interventions would constitute, inter alia, law reforms and training of local court justices.

In light of the forgoing, to a considerable extent, in practice, women's equality with men before the law is eroded in customary laws and practice, particularly in the area of matrimonial and property laws. Wife battery and rape hardly give rise to court proceedings as both the victims and the law enforcement agents are compromised by cultural perceptions.

In response to the glaring need for would-be violators, victims and law enforcement agents to re-orient their attitudes, Government has set up the Victim Support Unit within the Police to deal with cases of gender violence and to accord these cases the kind of attention they deserve.

Women are, by constitutional law accorded equal right to legal services. However, as earlier pointed out, in reality the enjoyment of such rights are limited

by factors such as lack of education, information, finances and others. These limitations do not apply exclusively to women although they are the most disadvantaged.

Legal aid is available to every Zambian, both female and male, who cannot afford legal fees. The government has a Legal Aid Department set up to assist the disadvantaged. However, the Department does not have the capacity to deal with the large number of persons seeking assistance, including women. Therefore, not all women in need can access legal aid services from the department.

The LAZ set up a Legal Aid Clinic for women in 1991. The Association gives legal aid to disadvantaged women and has helped many women to enforce their legal rights. In 1991 the clinic served 45 women, while in 1994 the number increases to 409. The clinic is run by three full time lawyers and plans are under way to set up offices in other provincial centres.

WLSA provides women with free legal advice and act on their behalf in the course of their work. The Young Women Christian Association (YWCA) has a drop-in-centre where women take all sorts of complaints. Those needing counselling are helped while those needing other services are referred to relevant organisations. Other organisations such as the Zambia Association for Research and Development (ZARD) and the Zambia Alliance of Women (ZAW) are engaged in legal rights education in order to make women aware of their rights, and assist them to make use of the legal justice system. ZARD has, on a number of occasions hired private lawyers for women. The Women in Law and Development in Africa (WILDAF), the network of all NGOs that are involved in women's legal rights, also operates in Zambia. It recently published a directory of services that are available to women and where these services can be accessed. Other organisations such as the Zambia Civic Education Association and the

Legal Resources Foundation take up cases for the needy, and educate people about their civil rights.

There is a growing number of female attorneys who can represent clients in courts. The trend has especially been evident since the involvement of women lawyers in an important treason case in 1996. More women lawyers are now taking up cases and are being approached by male and female clients.

In theory, women over 18 have the right to make contracts in their own names. However, in practice, as mentioned above, institutions, for example, banks, usually ask a married woman for a letter of consent from her husband. Although women are free to purchase real estate and enter into commercial transactions, they are also limited by lack of resources.

The law does not discriminate against women with respect to the administration of property. However, since custom dictates that women can not own land or livestock, this seldom occurs, particularly in rural areas. Of late, we have seen an increase in the number of women being appointed administrators or executors, though the number is still relatively small in comparison to that of male administrators. In the local courts women cannot be appointed administrators if the deceased husband's family is not in court. In addition, very few women are knowledgeable enough to apply for letters of administration.

The law in Zambia does not restrict women from choosing where they desire to reside. In practice, tradition and custom emphasise that a woman must reside in the man's village or place of residence. Many women have lost good jobs and opportunities because of the tradition that they must reside where the husband, who is the head of the household, resides. In urban areas single women are able to choose where to live while in rural areas one has to be under the head of the

homestead like the brother, husband, or uncle. Changes in this order would ideally be a matter of spontaneous evolution rather than by imposed measures. In this regard, educational programmes on the merits and demerits of the status quo would help individuals, both women and men, to choose what suits them best.

ARTICLE 16: Equality in Marriage and Family Law

1. States parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on basis of equality of men and women:

(a) the same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(b) the same right and responsibilities during and at its dissolution;

(c) the same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(d) the same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(e) the same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(f) the same personal rights as husband and wife including the right to choose a family name, a profession and on occupation; and

(g) the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation shall be taken to specify a minimum age for marriage and to make the registration of marriage in an official marriage compulsory.

Family relations in Zambia are governed by a dual legal system in which statutory and customary laws operate side by side. Customary law, though not written, applies to the majority of the indigenous people in Zambia, and is recognised by both the Constitution and other statutes. It applies in situations where it does not contradict written law and principles of natural justice, equity and good conscience. Customary law has a major role in governing marriage and family relations. Most women are married under customary law, and even those who contract statutory marriages go through the customary marriage rituals as well.

Statutory laws governing marriage relationships are based on English law and marriages contracted under the Marriage Act are regulated thereunder. A marriage under the Marriage Act is monogamous by nature. A woman or man married under the Marriage Act is not permitted to marry another person whilst the first marriage subsists. It is contracted between two parties as opposed to two families. No *lobola* is required and no parental consent is necessary as long as both parties are over 21 years of age. If marriage partners are under 21, parental or guardian consent is required. Marriages of people under the age of 16 are not allowed. However, if a judge of the High Court finds that the marriage is not contrary to public interest, he may give his consent on application.

A customary marriage involves the rules and practices of one of the 73 ethnic groups. Customary marriages are potentially polygamous and unite two families as opposed to uniting the two parties to the marriage. Although in certain ethnic groups which encourage early marriage, a girl may find that she has been given away in marriage by her parents without her consent, this is not the norm. If a woman and a man agree to get married, the relatives of the man will initiate the process by approaching the family of the woman. Customary law marriages look upon biological maturity as more relevant to the girl's readiness for marriage than age. It is possible to have child marriages through betrothals.

Women who are the victims of early marriages are not protected from getting into child marriages without their consent, and this is in contravention of the 1962 UN Convention on consent to marriage, minimum age for Marriages and Registration of Marriages, whose principles are also included in the UN Convention on the Elimination of All Forms of Discrimination Against Women.

In Zambia, there is no universal age of majority. Majority depends on the subject matter at hand. For example, under the Electoral Act one needs to attain the age of 18 in order to vote, but one cannot be voted into parliament until the age of 21. Under the Penal Code, sexual intercourse with a girl under 16 years constitutes statutory rape. Under the Affiliation and Maintenance Act, a child is any person from 0 - 18 years. Under customary law, early marriages are accepted because a girl is considered mature and ready for marriage at puberty. However, coming up with majority age for the purpose of contracting marriage in the face of a largely rural and traditional society still remains a difficult and challenging task. Though legislative measures have not been taken, educational programmes against the practice are on-going. Under the statute, the age of majority is 18 years.

Payment of *lobola* is not a legal requirement. However, for marriages under customary law in patrilineal groups, it is one of the essential elements for establishing the existence of a marriage. Though this should apply to customary marriages only, it affects statutory marriages as well because couples married under statutory law still comply with customary marriage requirements. Although the tradition is deep-rooted, educational programmes mounted through the media, churches and other community-based institutions are bearing fruit.

Women in marriages do not have the right to decide freely about the number and spacing of their children. While a woman's husband may have to consent for her

to use a contraceptive method, she does not have an equal say in her husband's decision concerning the use of family planning. Under customary law also, the husband has the obligation to maintain his wife, but he has the exclusive right to exclusive sexual relations with her, breach of which is a ground for divorce. In cases of adultery, the husband is entitled to damages from the adulterous female. The wife on the other hand does not have exclusive sexual rights over her husband and adultery on the part of the husband is not sufficient ground for divorce proceedings. In case of adultery by the husband, the wife can not claim for damages. The evolution of a culture where both spouses in marriage arrangement have equal rights in decision-making over matters affecting their families is a necessity that will be attained through, inter alia, education and social-economic re-orientation. Though slow, the momentum is building.

The hardships to women in relation to property and financial support after divorce are more pronounced in customary marriages than in marriages contracted under the Marriage Act. Traditionally, customary law denies women any rights to family property or maintenance on dissolution of marriage. Statutory law provides for the sharing of property between husband and wife and the maintenance of either spouse on divorce. A 1992 amendment to the Local Court Act granted maintenance for three years to women married under customary law. In reality, however, there is no difference in the situation of those women married under the Act and those married under custom, because women do not claim these rights. The enforcement of the law is further weakened by failure of the women in most instances to seek redress for ignorance, fear of reprisals from relatives and in-laws and witchcraft.

In terms of custody of children after divorce, in customary law marriages *lobola* discriminates against women in that it confers a right to custody of the children to the husband. In statutory marriages, the principle of the child's best interest is used

but could work against the woman in custody cases if she has no means of income.

Before the enactment of the Intestate Succession Act, succession was purely determined by custom. Spouses had no right to inherit from each other. Rather, it was the family who inherited property. These rules operated quite well in the traditional societies. However, due to social and economic changes in the country, traditional family support systems can no longer be relied upon to provide adequate support for surviving spouses (especially widows) and children who are denied the right to inherit their deceased spouses' or parents' property.

The government enacted the Intestate Succession Act to change and integrate the various customary laws and practices relating to Intestate Succession. However, this Act is not widely used partly because it is not widely known and partly because relatives of the deceased choose to ignore the law. It should be stated, however, that the courts have upheld the rule of law by meting out punishment against violators brought before the courts. The Act does not apply to land held under customary law, most of which is situated in the rural areas.

Studies have shown that there is an increase in the incidence of domestic and gender violence, including wife battery, wife rape, defilement and germicide in Zambia, partly attributed to a combination of social and cultural factors. The Police Victim Support Units have been established in most districts to deal with such cases. There are also many organisations dealing with issues of violence against women. Measures are underway to strengthen the laws dealing with domestic and gender violence.

CONCLUSION

Elimination of all forms of discrimination against women still remains an uphill battle in the country which is largely dominated by patriarchal cultural traditions, beliefs and norms. However, the momentum of transition catalysed by the fast changing political, social and economic order, and local, national, regional and international interventions cannot be reversed.

At the national level, the law reform process initiated to facilitate change in the various areas, including those affecting disadvantaged groups, especially women and children, will be instrumental in the change. So will other policy implementation measures aimed at uplifting the status of women in all development activities.

Among other instruments at the international level, the Beijing Platform for Action has made tremendous contribution towards elimination of discrimination against women. Critical areas of concern under CEDAW have been addressed in the implementation of the Beijing Platform for Action, such as education, health and political and public life (decision-making).